

SECTION B

SHELBY COUNTY GOVERNMENT

ENGINEERING DEPARTMENT

EOC CONTRACT COMPLIANCE REQUIREMENTS

SHELBY COUNTY

A.D.A.

CURB & RAMP

INSTALLATION PROJECT



BOARD OF COMMISSIONERS OF SHELBY COUNTY
OFFICE OF EQUAL OPPORTUNITY COMPLIANCE

Dear Vendors/Contractors:

Please complete the enclosed Contract Compliance Status Report and return these documents to the Office of Equal Opportunity Compliance, 160 N. Main, Suite 969, Memphis, TN 38103.

In order to insure timely certification, make sure all relevant information is included. Incomplete forms will be returned, delaying your certification.

If you have any questions concerning this matter please contact Doris Vester Mickens at 545-4336.

Thank you for your continued cooperation in these matters.

Sincerely,

Carolyn S. Watkins, Administrator

CSW:dvm

Enclosure

**SHELBY COUNTY GOVERNMENT
OFFICE OF EQUAL OPPORTUNITY COMPLIANCE
CONTRACT COMPLIANCE PROGRAM
INSTRUCTION TO BIDDERS**

Consistent with Article V, Section 5.13 B (5) and (6) of the Home Rule Charter and the Shelby County Board of Commissioners, Resolution 12, adopted May 9, 1983 as amended by Resolution 17, adopted October 20, 1986 of Office of Equal Opportunity Compliance has developed a Contract Compliance Program for Shelby County Government.

You are advised that the following procedures have been instituted in order to fulfill these responsibilities.

- A. All firms, regardless of number of employees must PRE-Qualify for an EOC Contract Compliance Eligibility Number PRIOR to submission of a bid for a contract
- B. **TO RECEIVE AN EOC CONTRACT COMPLIANCE ELIGIBILITY NUMBER. THE FOLLOWING STEPS MUST BE TAKEN AT LEAST 48 HOURS PRIOR TO BID OPENING. IN THE EVENT THAT A BID OPENING IS SCHEDULED FOR MONDAY OR THE DAY FOLLOWING A HOLIDAY, ALL MATERIALS MUST BE RETURNED TO THIS OFFICE 48 HOURS PRIOR TO THE LAST WORKING DAY.**
 - 1. Secure a Contract Compliance Packet from EOC in Room 969, 160 North Main St. For information and assistance in these procedures, contact the Contract Compliance Officer.
 - 2. Return requested information to EOC by the time specified in Item B above, for review of compliance with standards of Resolution 17.
 - 3. Secure a Contract Compliance Certification Number.
 - 4. Mark your firm's Eligibility Certification Number on each bid envelope submitted.

For VENDORS, unless stipulated on the Contract Eligibility Report, certification numbers are valid for a period of TWELVE MONTHS after which a review will be necessary. THE FIRST THREE/FOUR DIGITS OF ELIGIBILITY NUMBER INDICATE THE MONTH AND YEAR OF EXPIRATION.

For CONSTRUCTION projects estimated to be BELOW two hundred and fifty thousand (\$250,000), a Contract Compliance Number is valid for a period of SIX MONTHS. For construction projects estimated to be two hundred and fifty thousand (\$250,000) and ABOVE, a Contract Compliance Certification Number must be obtained for each bid submitted.

Please feel free to call our office at (901) 545-4336 for any assistance you may need as we implement this phase of Shelby County Government's Equal Opportunity Compliance Program.

SHELBY COUNTY GOVERNMENT HOME RULE CHARTER
ARTICLE V – SECTION 5.13 EQUAL OPPORTUNITY

SECTION 5.13. EQUAL OPPORTUNITY.

- A. The Board of County Commissioners and the County Mayor shall take all actions necessary to assure the continued implementation of all rules, regulations and guidelines promulgated by the Equal Opportunity Commission, The Department of Labor, or other such competent authority that are applicable to insuring fair employment practices. The Administrator of the appropriate office of the Board of County Commissioners designated to carry out this function shall be elected by the Board of Commissioners pursuant to section 2.03(D) and (E) and shall be subject to termination by resolution of the Board of County Commissioners.
- B. The duties of this administrator shall include all those established by resolution and shall include, but not be limited to, the following:
1. Review and implementation of fair employment practices, as specified by Equal Employment Opportunity Commission guidelines, in all departments of County Government;
 2. Update and monitor an effective affirmative action program;
 3. investigate claims and complaints of discriminatory practices arising in County Government departments;
 4. Design, implement and monitor programs to increase minority business participation in the letting of County contracts,
 5. Review all proposed contracts in which County funds are expended to insure that non-discriminatory employment practices are being executed on all levels of employment as specified by Equal Employment Opportunity Commission and Labor Department regulations
 6. The administrator shall have the power to require each firm or business contracting with the County to submit with their proposals and/or bid statistics revealing the percentage and number of minorities at all levels of said firm or business;
 7. Such other duties as may be required by the Board of County Commissioners.

Approved August 2, 1984
Effective September 1, 1986

**SHELBY COUNTY GOVERNMENT
OFFICE OF EQUAL OPPORTUNITY COMPLIANCE
CONTRACT COMPLIANCE STATUS REPORT**

STANDARDS BY WHICH THE ADMINISTRATOR OF THE EQUAL OPPORTUNITY COMPLIANCE OFFICE DETERMINES WHICH FIRMS WITH FIFTEEN (15) OR MORE EMPLOYEES WILL BE ELIGIBLE TO BID ON COUNTY CONTRACTS

WHEREAS, the Board of Commissioners of Shelby County Government has heretofore through various resolutions taken action to assure that the County of Shelby is an "Equal Opportunity Employer"; and

WHEREAS, The Shelby County Charter, Article V, Section 5.13(B)(G) gives the Administrator or Equal Opportunity Compliance Office the power, among other things, to require that each firm or business contracting with the County, submit with their proposals and/or bids, statistics revealing the percentage and number of minority employees at all levels of said firm or business; and

WHEREAS, it has been determined by the Board of Commissioners from the information gathered by the Administrator of the Equal Opportunity Compliance Office that the percentage of minority employment in many firms with fifteen (15) or more employees that contract with the County does not approximate the percentage of minority population in the civilian labor force in the firm's geographical area; and

WHEREAS, it is now the desire of the Board of Commissioners to require that firms that contract with the County have employment profiles that reflect the demography of the civilian labor force in their geographical area as determined by the Standard Metropolitan Statistical Area established by the Office of Management and Budget of the United States Government.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that the following procedures shall be used by the Administrator of Equal Opportunity Compliance to determine when and under what circumstances a firm with fifteen (15) or more employees should be considered an equal opportunity employer that should be allowed to bid on County contracts.

BE IT FURTHER RESOLVED, that the standard for determining whether a firm with fifteen (15) or more employees is an equal opportunity employer that should be allowed to bid on County contracts shall be the percentage of minorities in the civilian labor force in the firm's geographical area as established by the Standard Metropolitan Statistical Area (SMSA) compiled by the Office of Management and Budget of the United States Government.

BE IT FURTHER RESOLVED, that a firm that is within 90% of compliance with the minority SMSA shall be considered an equal opportunity employer eligible to bid.

BE IT FURTHER RESOLVED, that a firm that is within 80% of compliance with the minority SMSA shall be considered an equal opportunity employer eligible to bid only upon the submission of an affirmative action plan satisfactory to the Administrator of Equal Opportunity Compliance.

BE IT FURTHER RESOLVED, that a firm that is within 50% of compliance with the minority SMSA shall be considered an equal opportunity employer eligible to bid only upon a showing of extenuating circumstances and the submission of an affirmative action plan satisfactory to the Administrator of Equal Opportunity Compliance.

**SHELBY COUNTY GOVERNMENT
OFFICE OF EQUAL OPPORTUNITY COMPLIANCE
CONTRACT COMPLIANCE STATUS REPORT**

BE IT FURTHER RESOLVED, that a firm that is within less than 50% of compliance with the minority SMSA shall not be considered an equal opportunity employer eligible to bid on County contracts by the Administrator of Equal Opportunity Compliance.

BE IT FURTHER RESOLVED, that notwithstanding the presence of a percentage of minority employees in a firm equal to the minority SMSA for that firm's geographical area, overrepresentation of minorities in lower *paying* jobs or under-representation in other categories may be a basis *for* a determination by the Administrator of Equal Opportunity Compliance, that said firm is not an equal opportunity employer.

BE IT FURTHER RESOLVED, that any determination made by the Administrator of Equal Opportunity Compliance pursuant to the procedures set forth herein shall be subject to an Administrative appeal process which shall be established by the Office of the Chairman of the County Commission.

BE IT FURTHER RESOLVED, that this resolution shall take affect upon its approval, the public welfare requiring it.

**SHELBY COUNTY GOVERNMENT
OFFICE OF EQUAL OPPORTUNITY COMPLIANCE
CONTRACT COMPLIANCE STATUS REPORT**

Special Sealed Bid#
(For Construction Projects Over \$250,000. 00)

Company Information

Company Name:			
Address:			
City:	State:	Zip:	+4
Phone (example: 5555555555)			Ext:
County:			
Select Type:	<input type="checkbox"/> Vendor	<input type="checkbox"/> Contractor	<input type="checkbox"/> Service
Select Firm Type:	<input type="checkbox"/> Independently owned & operated	<input type="checkbox"/> Affiliated	<input type="checkbox"/> Division
	<input type="checkbox"/> Minority Business Enterprise	<input type="checkbox"/> Franchise or Subsidiary	
If Other, Explain:			
Business Activity:			
Please list all subsidiaries, divisions and affiliates that will be using this EOC number. Employment figures must be included if other offices will be using same EOC Number			
•	•		
•	•		
•	•		
•	•		

Parent Company Information

Parent Company Name:	
Parent Company Address:	
Parent Company City:	Parent Company State:
Parent Company Zip:	Parent Company County:
Has this firm been previously certified by the Shelby County Office of Equal Opportunity Compliance? Yes <input type="checkbox"/> EOC No:	
Has this firm ever been certified under any other name? Yes <input type="checkbox"/> No <input type="checkbox"/>	
If Yes, Other Name:	

The following must be completed and submitted with this status report:

Exhibit A	Employment statistics to include the number of minority and female employees from all offices submitting bids. Federal EE0-1 Report may be submitted, however, Exhibit A must be completed. Mark an X below if statistics reflect national or more than one employment area. National <input type="checkbox"/>
Exhibit B	A statement of policies and action steps your firm will take to assure measurable yearly improvements in hiring, training, and promoting of minorities and females at all levels.
Exhibit C	Principal Owners Information

Please return to:
Shelby County Government
Office of Equal Opportunity Compliance
160 N Main Street, Suite 969 Memphis, TN 38103

DESCRIPTION OF JOB CATEGORIES

Officials and managers – Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle management, plant managers, department managers, superintendents and salaried foreman who are members of management, purchasing agents, buyers and kindred workers.

Professionals – Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artist, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations workers, physical scientists, physicians, social scientists, teachers and kindred workers.

Technicians – Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers and operators, drafters, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technicians (medical, dental, electronic, physical science), and kindred workers.

Sales – Occupations engaging wholly or primarily in direct selling: includes: advertising agents and sales workers, insurance agents and brokers, real estate agents and brokers, stock and bond sales workers, demonstrators, sales workers and sales clerks, grocery clerks and cashier-checkers, and kindred workers.

Office and Clerical – Includes all clerical type work regardless of level of difficulty, where the activities are predominately non-manual though some work not directly involved with altering or transporting the products is included. Includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office helpers, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, and kindred workers.

Craft Workers (Skilled) – Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics, and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers and tailors, and kindred workers.

Operatives (semi-skilled) – Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, plumbers, bricklayers; carpenters, electricians, machinists, mechanics building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, dressmakers and seamstresses (except factory), dryers, furnace workers, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painters (except construction and maintenance), photographic process workers, stationery firefighters, truck and tractor drivers, weavers (textile), welders, flame cutters and kindred workers.

Laborers (Unskilled) – Workers in manual occupations which generally require no special training to perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farm) and groundskeepers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations and kindred workers.

Service workers – Workers in both protective and non protective service occupations. Includes: attendants (hospital and other institutions, professional and personal service, including nurses aides and orderlies), barbers, char workers and cleaners, cooks (except household), counter and fountain workers, elevator operators, firefighters and fire protection, guards, doorkeepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, and kindred workers.

Full Time Permanent Employees											
	Male					Female					
	Subtotals	White	African American	Hispanic	Asian Pacific Islander	Other	White	African American	Hispanic	Asian Pacific Islander	Other
Officials and Managers	534	34					1				
Professionals											
Technicians											
Sales Workers											
Office and Clerical	2						2				
Crafts workers (Skilled)											
Operative (Semi-Skilled)	4	1	3								
Laborers (Unskilled)	18	1									
Service Workers											
Totals	29	6	3	17			3				

How was the above information as to race or ethnicity established? ☐ A) Visual Survey ☒ B) Employee Records

Please list the date for employment information reported: 5/2009 ☐ Other Please Specify:

The Concept of race used by the Equal Employment Opportunity Commission does not denote clear-cut scientific definitions of anthropologic origins. For the purpose of this report an employee may be included in the group to which he or she appears to belong, identities with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic category

NOTE: 1 The Category "HISPANIC" while not a race identification is included as separates race/ethnic category because of the employment discrimination often encountered by this group; for this reason do not include HISPANIC under either "white" or "black".

For the purpose of this report the following race/ethnic categories will be used:

- The Category "White" (not of Hispanic origins): All persons having origins in any of the original peoples of Europe, North Africa or Middle East.
- The Category "African American." Persons having origins in any of the original peoples of Africa
- The Category "Hispanic." All persons of Mexican, Puerto Rican, Cuban, Central or South American. For other Spanish culture regardless of race.
- The Category "Asian or Pacific Islander." All

persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-Continent, or the Pacific Islands. This area includes for example, China, Japan, Korea, the Philippine Islands, and Samoa

c) The Category "American Indian or Alaskan Native." All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation community recognition

Source: Bureau of the Census

**SHELBY COUNTY GOVERNMENT
OFFICE OF EQUAL OPPORTUNITY COMPLIANCE
CONTRACT COMPLIANCE STATUS REPORT**

**EXHIBIT B
STATEMENT OF POLICY ON
EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION**

It has been the policy of this firm to consider each applicant for employment on the basis of his or her qualifications for the job and without regard to race, color, creed, sex, age, national origin, or physical handicap not related to job requirement.

To give all employees equal consideration with respect to compensation, benefits, and the opportunity to progress without regard to race, color, sex, age, national origin or physical handicap.

In order to reaffirm this policy, this firm subscribes to the following principles: this firm will continue and extend its efforts to recruit, hire, train, and promote individuals without regard to race, color, creed, sex, age, national origin, or handicap not job related.

All decisions on employment must be based on the principle of equal employment opportunity with reliance only on valid requirements for promotional opportunities.

All personnel actions including, but not limited to those relating to compensation, benefits, transfers, lay offs, company sponsored training, and tuition assistance programs are to be administered without regard to race, color, creed, sex, age, national origin, or physical handicap.

All employees are encouraged to use company facilities and participate in all programs sponsored by this company.

Any employee or job applicant may appeal directly to Jeffrey C. Smith for review of any action which he or she believes does not conform to these principles.

All members of this firm's management are familiar with this statement of policy and the philosophy behind it, and their responsibilities to apply these principles in good faith for meaningful progress in the utilization of minorities and females.

I hereby certify that the employment data contained in this status report is the correct information.

Accordingly, I further agree to meet the current minimum Affirmative Action goals submitted herewith.

In the event that there is an expansion of this firm's work force, I agree to comply with the requirements of Shelby County Government's Board of Commissioners' Resolution #17 of May 9, 1983.

Name Jeffrey C. Smith Title Chief Manager
Signature [Signature] Date 5/22/2009
Company Name ENSCOR, LLC

**SHELBY COUNTY GOVERNMENT
OFFICE OF EQUAL OPPORTUNITY COMPLIANCE
CONTRACT COMPLIANCE STATUS REPORT**

List the principal individual of this business entity (President, Vice President, Secretary, and Treasurer)

NAME	TITLE	SEX/RACE	PERCENTAGE OF OWNERSHIP	DATE OWNERSHIP OBTAINED
Jeffrey C. Smith	Chief Manager	M/white	98%	1990
Cynthia A. Smith	CFO.	W/F/white	2%	1990

Tuesday, October 28, 2003

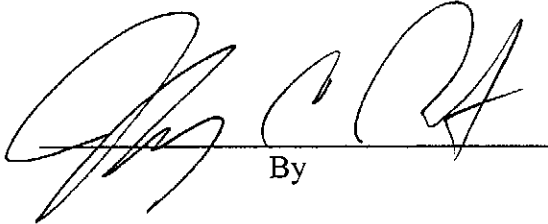
ENSCOR, LLC

"Sitework Solutions"

ENSCOR, LLC. Adheres to the requirements of the "Living Wage ordinance # 328 " Section and also Title VI requirements.

ENSCOR, LLC. is in compliance with both the Living Wage ordinance and all LOSB requirements on page 19 & 20 Item I of the bid proposal.

ENSCOR, LLC
Bidder


By

Chief Manager
Title

SECTION B-1

SHELBY COUNTY GOVERNMENT

ENGINEERING DEPARTMENT

NON-DISCRIMINATION ACT

**SHELBY COUNTY
A.D.A.
CURB & RAMP
INSTALLATION
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NON-DISCRIMINATION – TITLE VI:

The vendor agrees to comply with the provisions of Title VI of the Civil Rights Act of 1964 and all other federal statutory laws which provide, in whole or in part, that no person on the ground of handicap, age race, color, sex, or national origin, shall be excluded from participation in, or be denied benefits of, or be otherwise subject to discrimination under any program or activity receiving Federal financial assistance during the performance of this Contract. The vendor shall upon request, show proof of such non-discrimination, and shall post in conspicuous places available to all employees and applicants notices of non-discrimination.

NON DISCRIMINATION – TITLE VII:

The Vendor agrees to comply with the provisions of Title VII of the Civil Rights Act of 1964 and all other Federal statutory laws which provide, in whole or in part, that no employee on the grounds of age, race color, sex, or national origin, shall be discriminated against, harassed or retaliated against while opposing illegal harassment or discrimination in the workplace. The vendor shall upon request show proof of such non-discrimination, and shall post in conspicuous places available to all employees and applicants notices of nondiscrimination.

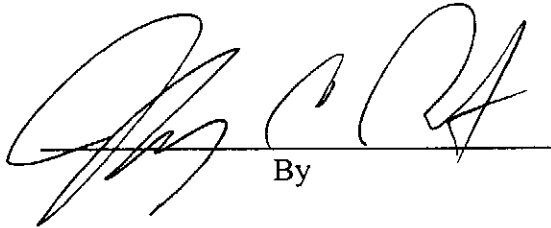
ENSCOR, LLC

"Sitework Solutions"

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ENSCOR, LLC
Bidder


By

Chief Manager
Title